

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82662 of 2023

Arising Out of PS. Case No.-395 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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Ujjawal Paswan @ Sujeet Paswan S/O Late Lalit Paswan Village- Sirhulli, Ps.
Kamtaul, Dist. Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gopal Jha, Advocate

For the Opposite Party/s : Mr.Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 07-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Darbhanga Sadar (Mabbi O.P.) P.S. Case No. 395/2023 lodged
on 08.06.2023 under Sections 25(1-B)a/26/35 of the Arms Act
and 366A, 120B, 34 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against five named accused persons, including the
present petitioner against whom there is an allegation that he
was apprehended by the police upon chase and on search being
made, one loaded pistol was recovered from his possession.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. The offences under which the present FIR has been lodged are triable by a Magistrate. The petitioner is in custody since 09.06.2023 and is accused in two more criminal cases, but in both cases, he has been granted bail. Moreover, the chargesheet has already been filed. Similarly situated co-accused Pankaj Chaupal has been granted bail by a co-ordinate Bench of this Court vide order dated 19.12.2023 passed in Criminal Miscellaneous No. 82069 of 2023.

5. Learned counsel for the State opposes the prayer for bail and submits that at the time of considering the prayer for bail of the petitioner, this aspect must be taken into consideration that the antecedent of the petitioner is not clean.

6. Upon specific query from the counsel for the petitioner whether the charge has been framed or not, the learned counsel for the petitioner submits that he is not aware of the fact whether the charge has been framed or not.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be released on bail, **but only four months after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount



each to the satisfaction of CJM, Darbhanga, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

(Dr. Anshuman, J)

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